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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/389,557	09/03/1999	SHIGEYUKI SANO	7217/59652	5566

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EXAMINER

BRIER, JEFFERY A

ART UNIT

PAPER NUMBER

2672

DATE MAILED: 06/19/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary

Application No.

09/389,557

Applicant(s)

SANO ET AL.

Examiner

Jeffery A. Brier

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 May 2002.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

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DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 05/02/2002 has been entered.

Response to Amendment

2. The 05/02/2002 amendment amended claims 1 and 9 and cancelled claims 2, 5, 10 and 13. This amendment has been entered

Claim Rejections - 35 USC § 112

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 1 and 9 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The newly added limitations to claims 1 and 9 are not supported by the originally filed specification. In

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addition a previously added limitation is not supported by the originally filed specification (or decrease). The non-supported limitations are illustrated below in a marked up copy of claims 1 and 9.

Claim 1:

1. (Thrice Amended) A control apparatus having a first command means to increase or decrease at a predetermined speed a first parameter and a second command means to increase or decrease at said predetermined speed a second parameter when activated and responsive to the alternate activation of said first and second command means, said control apparatus comprising: means for accelerating said predetermined speed of increase or decrease of one of said first and second parameters when one of said first command means and said second command means is activated continuously; means for judging similarity of alternate actions made by said first and second command means; and means for maintaining said accelerated speed of increase or decrease of said second parameter equal to said first parameter when said first and second command means are alternately activated and said similarity is found by said means for judging similarity and for returning to said predetermined speed of increase or decrease when said similarity is not found.

Claim 9:

9. (Thrice Amended) A control method using a first command means to increase or decrease at a predetermined speed a first parameter and a second command means to increase or decrease at said predetermined speed a second parameter when activated and responsive to the alternate activation of said first and second command means, said control method comprising the steps of: accelerating said predetermined speed of increase or decrease of one of said first and second parameters when one of said first and second command means is activated continuously judging similarity of alternate actions made by said first and second command means; and maintaining said accelerated speed of increase or decrease of said second parameter equal to said first parameter when said first and second command means are alternately activated and said similarity is found by said step of judging similarity and for returning to said predetermined speed of increase or decrease when said similarity is not found.-

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At page 7 lines 4-20 of the specification applicant wrote:

At this time, when, for example, the operation button directed to the left is pressed, the sub screen is moved slowly first. When the same operation button is kept pressing, the moving speed of the sub screen is increased gradually. This is intended to allow both fine adjustment and smooth control satisfactory. By contrast, in the conventional units, when the up-directed button is pressed next, the sub screen is moved slowly again. Thus, actions are made slowly but not smoothly.

Therefore, according to the aforesaid configuration, a means 11 for judging similarity and/or non-similarity of operation buttons and means 12 for determining a response time of the control are included as a part of processing in the microcomputer 9. Using the judging means and response time, it is possible to control smoothly the above actions. FIG. 4 shows a flow demonstrating how the microcomputer 9 processes a keyed-input, for example.

At page 8 lines 5-14 of the specification applicant wrote:

During the processing, if it is judged at step S3 that the keyed-input is the same as the previous input, such an adjustment that the effective rate of the control is increased gradually is carried out at step S5. If it is judged at step S4 that the keyed-input is of the same kind as the previous input, the effective rate of control is increased gradually. By contrast, if it is not judged at step S3 and S4 that the keyed-input is the same as or of the same kind as the previous input, the effective rate of the control is returned to the initial value.

At page 11 last paragraph to page 12 line 5 of the specification applicant wrote:

According to the first embodiment of the present invention, there is provided the control apparatus and the control method having a plurality of command means and controlling the equipment according to actions made by the plurality of command means. The control apparatus and control method includes the means or the step for judging the similarity and/or non-similarity of the respective actions to be made by the plurality of command means, and the means or the step for determining a response time of control in response to each action made by each of the plurality of command means. When the plurality of command means are activated alternately, if the similarity thereof is judged, the response time is increased or decreased. Thus, even when the control direction is two-dimensional or higher dimensional, the actions can be made smoothly.

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It is clear from applicants specification that applicants invention:

1) increases at a predetermined speed a first parameter (described horizontal or vertical movement of sub screen) in response to continuous activation of a first command means (up and down buttons or left and right buttons of figure 2A or horizontal or vertical directions of figure 2B Joystick);

2) increases at a predetermined speed a second parameter (described vertical or horizontal movement of sub screen) in response to continuous activation of a second command means (left and right buttons or up and down buttons of figure 2A or vertical or horizontal directions of figure 2B Joystick);

3) increases at a predetermined speed the first and second parameters when a diagonal maneuver is made (figure 5B); and

4) the increase is continued even if the first or second command means activation is ceased while the second or first command means becomes activated as illustrated in figure 3B and described at page 7 lines 4-20 of the specification; and

5) the control is returned to the initial value when first and second command means activation ceases or is judgment is made that the activation is non-similar described at page 8 lines 11-14 of the specification.

Therefore the originally filed specification does not convey that applicant had possession:

of decreasing the speed;

of accelerating the increase or decrease when similarity is found ; and

returning to the speed of increase or decrease when similarity is not found.

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5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffery A. Brier whose telephone number is (703) 305-4723. The examiner can normally be reached on M-F from 6:30 to 3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Razavi, can be reached at (703) 305-4713).

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks


Washington, D.C. 20231

or faxed to:

(703) 872-9314 (for Technology Center 2600 only)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.


Jeffery A Brier
Primary Examiner
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